

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street; P.O. Box 944272
Sacramento, CA 95814-5901



TITLE 5. EDUCATION

CALIFORNIA STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

Alternative Schools Accountability Model (ASAM)

[Notice published July 25, 2003]

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

The State Board will hold a public hearing beginning at **9:00 a.m. on Tuesday, September 9, 2003**, at 1430 N Street, Room 6303, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on Monday, September 8, 2003**. The Board will consider only written comments received by the Regulations Adoption Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 95814
E-mail: dstrain@cde.ca.gov
Telephone : (916) 319-0641

AUTHORITY AND REFERENCE

Authority: Section 33031, Education Code.

Reference: Section 52052, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board proposes to adopt Article 5 and Sections 1068-1074 in Title 5 of the California Code of Regulations (CCR). This article and sections concern requirements for administering, scoring, and

reporting locally adopted pre-post assessments by schools that are registered in the Alternative Schools Accountability Model (ASAM) and have chosen to adopt a pre-post assessment instrument as an indicator of achievement for use in the ASAM.

The proposed regulations are intended to assure that the pre-post assessments are administered, scored, and reported in a consistent, reliable, valid, and fair manner statewide.

Section 1068 specifies that Article 5 applies only to schools that are registered in the Alternative Schools Accountability Model (ASAM) and have chosen to adopt a pre-post assessment instrument as an indicator for use in the ASAM.

Section 1069 defines the meaning of “Pre-post assessment instrument,” “Pre-test,” “Post-test,” “ASAM test site coordinator,” “Test Administrator,” and “Long-term student,” as they are used in Article 5.

Section 1070 requires the ASAM test site coordinator to oversee the administration of all pre-post assessment instruments and to ensure that the instructions provided in the publisher’s assessment administration manual are followed.

Section 1071 states that any certificated employee of a school district trained in the administration of the pre-post assessment instruments, or a trained paraprofessional employee of the school district under the direct supervision of a trained certificated employee, may administer the pre-post assessment instrument.

Section 1072 is designed to ensure the security of the pre-post assessment instruments. It requires ASAM test site coordinators to sign the ASAM Pre-Post Assessment Security Agreement acknowledging that the pre-post assessment instruments are secure, and agreeing to safeguard them in specified ways. This section also requires all persons having access to pre-post assessment instruments to sign the ASAM Pre-Post Assessment Security Affidavit. The affidavit requires signatories to acknowledge that they will have access to the ASAM pre-post assessment instruments, that they understand that the materials are highly secure, and that it is their professional responsibility to protect the security of the assessment instruments in specified ways.

Section 1073 requires the ASAM site coordinator supervise all scoring of pre-post assessment instruments that is done at the school site or district office and to monitor the contract for any scoring activities carried out by an external contractor. This section also specifies that all scoring must be done following the instructions and using the answer keys provided by the test publisher.

Section 1074 requires school districts that have adopted a pre-post assessment instrument to collect specified information for each long-term student enrolled in the school and submit the results to CDE or its designee by July 31 each year for purposes of aggregate analyses only.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: The regulations and proposed amendments have no affect on small businesses because they relate only to internal school district student testing practices, and do not relate to small business practices, nor to interactions between school districts and small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Sue Bennett
California Department of Education
Education Support Systems Division
660 J Street, Suite 400
Sacramento, CA 95814
E-mail: sbennett@cde.ca.gov
Telephone: (916) 322-5015

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Adoption Coordinator, or to the backup contact person, Najia Rosales, Analyst, at (916) 319-0584.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is

published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.